

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JACQUE CLINTON,)	
)	Civil Action No. 04 - 1870
Plaintiff,)	
)	Judge Terrence F. McVerry /
v.)	Magistrate Judge Lisa Pupo Lenihan
)	
UNITED STATES BUREAU OF)	
PRISONS, and JOSEPH SMITH, Former)	
Warden of USP Lewisburg,)	
)	
Defendants.)	

ORDER

The above captioned case was received on December 10, 2004, and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's Report and Recommendation filed on August 22, 2005, recommended that, pursuant to the screening provisions of the PLRA, the complaint be dismissed prior to service for failure to state a claim upon which relief can be granted. The Plaintiff was served at USP Leavenworth, P.O. Box 1000, Leavenworth, Kansas 66048-1000. Plaintiff was advised he was allowed ten (10) days from the date of service to file written objections to the report and recommendation. No objections were ever filed. After review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 28th day of September, 2005;

IT IS HEREBY ORDERED that Plaintiff's complaint is **DISMISSED** prior to service for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that the Report and Recommendation of Magistrate Judge Lenihan, dated August 22, 2005, is adopted as the opinion of the court.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: Lisa Pupo Lenihan
United States Magistrate Judge

Jacques Clinton
40758-004
USP Leavenworth
P.O. Box 1000
Leavenworth, Kansas 66048-1000